

UNITED STATES DISTRICT COURT

Southern

District of

Ohio Western Division at Cincinnati

UNITED STATES OF AMERICA

WARRANT FOR ARREST

V.

Adrian D. Mitchell

Case Number: 1:08-cr-50

To: The United States Marshal
and any Authorized United States Officer

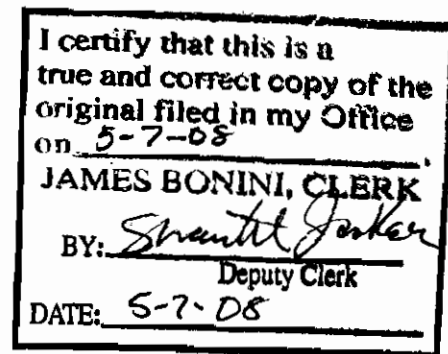
YOU ARE HEREBY COMMANDED to arrest Adrian D. Mitchell

Name

and bring him or her forthwith to the nearest magistrate judge to answer a(n)

- ☒ Indictment ☐ Information ☐ Complaint ☐ Order of court
☐ Pretrial Release ☐ Probation ☐ Supervised Release ☐ Violation Notice
Violation Petition Violation Petition Violation

charging him or her with (brief description of offense)
Mail Fraud



☒ in violation of Title 18 United States Code, Section(s) 1341 and 2

☐ in violation of the conditions of his or her pretrial release imposed by the court.

☐ in violation of the conditions of his or her supervision imposed by the court.

Timothy S. Hogan

Name of Issuing Officer

US Magistrate Judge

Title of Issuing Officer

Timothy S. Hogan

Signature of Issuing Officer

05/07/2008

Cincinnati, Ohio

Date and Location

RETURN

This warrant was received and executed with the arrest of the above-named individual at

DATE RECEIVED	NAME AND TITLE OF ARRESTING OFFICER	SIGNATURE OF ARRESTING OFFICER
DATE OF ARREST		

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

UNITED STATES OF AMERICA

vs.

ADRIAN D. MITCHELL

Case No.

1:08 CR 050

INDICTMENT ~~A. BECKWITH~~

18 U.S.C. § 2

18 U.S.C. § 1341

18 U.S.C. § 1343

18 U.S.C. § 1344

I certify that this is a
true and correct copy of the
original filed in my Office
on 5-7-08
JAMES BONINI, CLERK
BY: *Grantel Jackson*
Deputy Clerk
DATE: 5-7-08

THE GRAND JURY CHARGES THAT:

COUNT 1

(18 U.S.C. § 1341, Mail Fraud)

1. Beginning at an exact date unknown, but at least by on or about February 4, 2006, and continuing through the date of this Indictment, in the Southern District of Ohio and elsewhere, the defendant, **ADRIAN D. MITCHELL**, knowingly and willfully devised and intended to devise a scheme and artifice to defraud Metropolitan Life Insurance Company (MetLife) and L.T., an individual whose identity is known to the Grand Jury, and others, and to obtain moneys, funds, credits and assets owned by and under the custody and control of MetLife, and others, by means of false and fraudulent pretenses, representations, and promises made to, among others, said MetLife, defendant **ADRIAN D. MITCHELL**, knowing at the time that the pretenses and representations were false and fraudulent when made, and which scheme and artifice was, as described below:

Background

2. Beginning in February 2004 and continuing through the date of this Indictment, defendant **ADRIAN D. MITCHELL** was a sworn police officer for the City of Cincinnati, Ohio. Additionally, at all relevant times for this Indictment, defendant **ADRIAN D. MITCHELL** was also operating a real estate related business known as R.I.C.H. Properties and/or R.I.C.H. Investments. Operating through this business, defendant **ADRIAN D. MITCHELL**, solicited customers who were in financial distress from defaulted residential real estate loans. Defendant **ADRIAN D. MITCHELL** would solicit individuals who were in or facing foreclosure offering his services to purportedly assist them with their financial difficulties. Depending upon the agreement reached with his customers, defendant **ADRIAN D. MITCHELL** would acquire the residential property of the customer either directly from the customer or through purchase at a sheriff's sale. The customer could choose to have defendant **ADRIAN D. MITCHELL** either: 1) cause the purchase price of the property to be applied towards the debts of the customer with the customer giving up all possessory interest in the property; or 2) after defendant **ADRIAN D. MITCHELL** obtained ownership of the property, defendant **ADRIAN D. MITCHELL** could rent the property back to the customer with an understanding that the customer would thereafter try to buy back their formerly owned property from the defendant.

3. In the course of operating the above business, defendant **ADRIAN D. MITCHELL** solicited as a customer M.T., a deceased individual whose identity is known to the Grand Jury. M.T. owned and resided in a residential piece of real property located at 9655 Fallsridge Court, Cincinnati, Ohio. On or about August 25, 2005, defendant **ADRIAN D. MITCHELL**, purchased the residence located at 9655 Fallsridge Court, Cincinnati, Ohio, for approximately \$145,100.00 at a sheriff's sale

in Hamilton County. M.T., along with his spouse L.T., continued to reside at the residence paying rent to defendant **ADRIAN D. MITCHELL**. Between August 25, 2005 and February 4, 2006, the rent payments were not timely made and defendant **ADRIAN D. MITCHELL**, on two occasions, took steps to evict M.T. and L.T. from the 9655 Fallsridge Court residence.

4. On or about February 4, 2006, in an effort to take possession of 9655 Fallsridge Court, defendant **ADRIAN D. MITCHELL**, along with Springfield Township police officers, entered the premises of that residence and discovered the deceased body of M.T. hanging in the basement. L.T. was then removed from the premises. Defendant **ADRIAN D. MITCHELL** thereafter had possession and control of the former residence of M.T. and L.T. In February 2006, defendant **ADRIAN D. MITCHELL** was maintaining a residence at 820 Lincoln Avenue, Cincinnati, Ohio.

The Scheme and Artifice to Defraud

5. It was part of the scheme and artifice to defraud that defendant **ADRIAN D. MITCHELL**, after learning that decedent M.T. might have been the owner of a life insurance policy, contacted M.T.'s former employer, the Kroger Company. Using his position as a police officer, defendant **ADRIAN D. MITCHELL** was able to confirm that decedent M.T. was insured. In response to the death of M.T., the Kroger Company notified MetLife of said death and MetLife thereafter sent a claim form to L.T. at 9655 Fallsridge Court, Cincinnati, Ohio.

6. It was further part of the scheme and artifice to defraud that in or about February 2006, defendant **ADRIAN D. MITCHELL**, without legal authorization or justification, filled out or caused the filling out of a life insurance claim form purportedly to be from L.T., thereby falsely making a claim as L.T., the beneficiary of the policy. In filling out said form, the defendant's

address of 820 Lincoln Avenue, Cincinnati, Ohio was listed as the mailing address for L.T.

7. It was further part of the scheme and artifice to defraud that defendant **ADRIAN D. MITCHELL** mailed or caused the MetLife claim form to be mailed to MetLife in Utica, New York. Thereafter, MetLife established an account known as a "Total Control Account" for the benefit of L.T. and sent to L.T., at the 820 Lincoln Avenue address, a series of blank checks. By such actions, MetLife made available the sum of approximately \$188,327.38, the proceeds of the life insurance policy.

8. It was further part of the scheme and artifice to defraud that defendant **ADRIAN D. MITCHELL** thereafter filled out and forged the signature or caused the filling out and forging of the signature of L.T. on three MetLife Total Control Account checks in the total amount of \$188,120.71. These checks were all negotiated by or on behalf of defendant **ADRIAN D. MITCHELL** for his own benefit. Additionally, defendant **ADRIAN D. MITCHELL**, also forged and/or caused the forgery of L.T.'s signature on a final MetLife "Total Control Account" automatic closeout check in the amount of \$206.67.

9. It was further part of the scheme and artifice to defraud that defendant **ADRIAN D. MITCHELL**, in order to enjoy the proceeds of the scheme and artifice to defraud and in an effort to prevent its detection and his prosecution for same, created false and fraudulent documents including a Promissory Note and a General Power of Attorney.

10. It was further part of the scheme and artifice to defraud that defendant **ADRIAN D. MITCHELL**, in order to enjoy the proceeds of the scheme and artifice to defraud and in an effort to prevent its detection and his prosecution for same, provided false and misleading information to law enforcement officers.

11. It was further part of the scheme and artifice to defraud that defendant **ADRIAN D. MITCHELL**, in or about February and March 2006, communicated and met with L.T. in an effort to unduly influence her while she was in a position of vulnerability. Through these efforts, defendant **ADRIAN D. MITCHELL** gained access and control of financial documents and personal information involving and belonging to L.T. As a result, defendant **ADRIAN D. MITCHELL** conducted financial transactions that he had no legal authority to make.

The Execution

12. On or about February 17, 2006, in the Southern District of Ohio, defendant **ADRIAN D. MITCHELL**, for the purpose of executing and attempting to execute the aforesaid scheme and artifice to defraud and to obtain money, funds, credits and assets by means of the false pretenses, representations and promises, as set forth above, did take and receive from the mails a MetLife Life Insurance Claim Form addressed to L.T. at 9655 Fallsridge Court, Cincinnati, Ohio from MetLife located in Utica, New York.

In violation of Title 18, United States Code, Sections 1341 and 2.

COUNT 2
(18 U.S.C. § 1341, Mail Fraud)

1. The Grand Jury realleges and incorporates by reference Paragraphs 1 through 11 of Count 1 of the Indictment as though set forth in full herein.

The Execution

2. On or about March 4, 2006, in the Southern District of Ohio, defendant **ADRIAN D. MITCHELL**, for the purpose of executing and attempting to execute the aforesaid scheme and artifice to defraud and to obtain money, funds, credits and assets by means of false pretenses,

representations and promises, as set forth above, did knowingly cause to be delivered a completed MetLife Life Insurance Claim Form by U.S. Mail or by any private or commercial interstate carrier according to the directions thereon from Cincinnati, Ohio to MetLife in Utica, New York.

In violation of Title 18, United States Code, Sections 1341 and 2.

COUNT 3
(18 U.S.C. § 1343, Wire Fraud)

1. The Grand Jury realleges and incorporates by reference Paragraphs 1 through 11 of Count 1 of the Indictment as though set forth in full herein.

The Execution

2. On or about March 7, 2006, in the Southern District of Ohio and elsewhere, defendant **ADRIAN D. MITCHELL**, for the purpose of executing and attempting to execute the aforesaid scheme and artifice to defraud and to obtain money, funds, credits and assets by means of false pretenses, representations and promises, as set forth above, did transmit, by means of a wire communication in interstate commerce, sounds via a telephone call to MetLife inquiring about the status of the MetLife Life Insurance Claim he submitted as described in Count 2 above.

In violation of Title 18, United States Code, Sections 1343 and 2.

COUNT 4
(18 U.S.C. § 1341, Mail Fraud)

1. The Grand Jury realleges and incorporates by reference Paragraphs 1 through 11 of Count 1 of the Indictment as though set forth in full herein.

The Execution

2. On or about March 14, 2006, in the Southern District of Ohio and elsewhere, defendant **ADRIAN D. MITCHELL**, for the purpose of executing and attempting to execute the

aforesaid scheme and artifice to defraud and to obtain money, funds, credits and assets by means of false pretenses, representations and promises, as set forth above, did take and receive from the mails blank MetLife Total Control Account checks addressed to L.T. at 820 Lincoln Avenue, Cincinnati, Ohio from MetLife located in Utica, New York.

In violation of Title 18, United States Code, Sections 1341 and 2.

COUNT 5
(18 U.S.C. § 1341, Mail Fraud)

1. Beginning at an exact date unknown, but at least by August 2005 and continuing through the date of this Indictment, in the Southern District of Ohio and elsewhere, the defendant, **ADRIAN D. MITCHELL**, knowingly and willfully devised and intended to devise a scheme and artifice to defraud various mortgage lenders and to obtain moneys, funds, credits and assets owned by and under the custody and control of the mortgage lenders by means of false and fraudulent pretenses, representations, and promises made to said mortgage lenders, and others, defendant **ADRIAN D. MITCHELL** knowing at the time that the pretenses and representations were false and fraudulent when made, and which scheme and artifice was, as follows:

The Scheme and Artifice to Defraud

2. It was part of the scheme and artifice to defraud, that defendant **ADRIAN D. MITCHELL** conducted various real estate transactions in which he bought, sold, and rented residential real estate in the Cincinnati, Ohio area. Defendant **ADRIAN D. MITCHELL** operated, at times, through a business that he called R.I.C.H. Properties and/or R.I.C.H. Investments. As a means of acquiring property he, at times, solicited individuals as customers who were in or facing foreclosure offering his services to purportedly assist these customers. Depending upon the

agreement reached with the customers, defendant **ADRIAN D. MITCHELL** would acquire the residential property of the customer either directly from the customer or through purchase at a sheriff's sale. The customer could choose to have defendant **ADRIAN D. MITCHELL** either: 1) cause the purchase price of the property be applied towards the debts of the customer with the customer giving up all possessory interest in the property; or 2) after defendant **ADRIAN D. MITCHELL** obtained ownership of the property, defendant **ADRIAN D. MITCHELL** could rent the property back to the customer with an understanding that the customer would thereafter try to buy back their formerly owned property from the defendant.

3. It was further part of the scheme and artifice to defraud that, in buying and selling the various pieces of real property, defendant **ADRIAN D. MITCHELL** would seek to obtain financing from lenders on terms beneficial to defendant **ADRIAN D. MITCHELL** by making false statements and/or failing to disclose material information on real estate closing documents. Through these false statements and material omissions, defendant **ADRIAN D. MITCHELL** attempted to and obtained real estate loans used by himself to purchase items of real property. Additionally, defendant **ADRIAN D. MITCHELL** assisted others, who were attempting to buy properties he owned, to fraudulently obtain loans needed to make the purchases from him.

4. It was further part of the scheme and artifice to defraud that defendant **ADRIAN D. MITCHELL** conducted or caused the conducting of financial transactions that were not reflected on the Settlement Statements (HUD-1 Forms) thereby preventing the lenders from knowing the true nature of the real estate transactions on which they were providing financing. Among the undocumented financial transactions that he conducted or caused to be conducted that were not disclosed to lenders were payments supplied to buyers for down payments, closing costs, and

misleading bank account balances.

5. It was further part of the scheme and artifice to defraud that defendant **ADRIAN D. MITCHELL** would, at times, negotiate with third parties to recruit individuals to act as purported buyers and sellers of properties, but who were, in reality, merely “paper” or “sham” buyers and sellers of the properties thereby causing the lenders to be deceived about the true nature of the real estate transactions on which they were providing financing.

6. It was further part of the scheme and artifice to defraud that defendant **ADRIAN D. MITCHELL** created or caused to be created false and fraudulent documents that would be submitted to lenders to make his loan applications more attractive for the lenders. Included in the false and fraudulent documents were R.I.C.H. Properties Rental/Lease Agreements.

7. It was further part of the scheme and artifice to defraud that defendant **ADRIAN D. MITCHELL** utilized various means of interstate commerce including the mails and telephone and facsimile communications to cause real estate information, documents, and funds to be transferred.

8. It was further part of the scheme and artifice to defraud that defendant **ADRIAN D. MITCHELL** performed or caused to be performed various financial transactions that distributed the wrongfully acquired loan proceeds to himself and others associated with him in the scheme to defraud.

9. It was further part of the scheme and artifice to defraud that defendant **ADRIAN D. MITCHELL** purchased a piece of real estate located at 9655 Fallsridge Court, Cincinnati, Ohio, at a sheriff's sale and in order to fund the purchase, he obtained a loan from a lender and falsely represented that he was purchasing the property as his primary residence.

The Execution

10. On or about October 18, 2005, in the Southern District of Ohio and elsewhere, defendant **ADRIAN D. MITCHELL** knowingly and willfully did execute and attempt to execute the aforesaid scheme and artifice to defraud and to obtain moneys, funds, credits and assets by means of false pretenses, representations and promises, as set forth above, in that he knowingly caused a real estate closing package including forms such as the HUD-1 Settlement Statement and the Statement of Occupancy and financial status containing false material information to be deposited and to be sent and delivered by any private or commercial interstate carrier according to the directions thereon from the office of Guaranty Land Title Associates, Cincinnati, Ohio, to Own It Mortgage Solutions, Inc., in Cincinnati, Ohio, related to a loan being funded by Own it Mortgage Solutions, Inc., in the amount of \$145,100.00 for the purchase of the property located at 9655 Fallsridge Court, Cincinnati, Ohio.

In violation of Title 18, United States Code, Sections 1341 and 2.

COUNT 6 **(18 U.S.C. § 1341, Mail Fraud)**

1. The Grand Jury realleges and incorporates by reference Paragraphs 1 through 8 of Count 5 of the Indictment as though set forth in full herein.

2. It was further part of the scheme and artifice to defraud that defendant **ADRIAN D. MITCHELL** purchased a piece of real estate located at 5003 Dovetail Lane, Cincinnati, Ohio and obtained a loan to do so based on the false representation that he would occupy the premises as his primary residence.

The Execution

3. On or about November 28, 2005, in the Southern District of Ohio and elsewhere, defendant **ADRIAN D. MITCHELL** knowingly and willfully did execute and attempt to execute the aforesaid scheme and artifice to defraud and to obtain moneys, funds, credits and assets by means of false pretenses, representations and promises, as set forth above, in that he knowingly caused a real estate closing package including forms such as the HUD-1 Settlement Statement and the Uniform Residential Loan Application (Form 1003) (which forms included supporting documentation) containing false material information to be deposited and to be sent and delivered by any private or commercial interstate carrier according to the directions thereon from the office of Guaranty Land Title Associates, Cincinnati, Ohio, to Homecomings Financial Network, Inc., in Minneapolis, Minnesota, related to a loan being funded by Homecomings Financial Network, Inc., in the amount of \$113,520.00 for the purchase of the property located at 5003 Dovetail Lane, Cincinnati, Ohio.

In violation of Title 18, United States Code, Sections 1341 and 2.

COUNT 7 **(18 U.S.C. § 1344, Bank Fraud)**

1. Sutton Bank is insured by the Federal Deposit Insurance Corporation and has been so at all times relevant to this count of this Indictment.

2. Beginning in or about March 2006 and continuing at least until April 2006, defendant **ADRIAN D. MITCHELL** devised a scheme and artifice to defraud Sutton Bank and to obtain moneys, funds, credits, assets or other property owned by or under the custody or control of Sutton Bank.

The Scheme and Artifice to Defraud

3. The Grand Jury realleges and incorporates by reference Paragraphs 2 through 8 of Count 5 of the Indictment as though set forth in full herein.

4. It was further part of the scheme and artifice to defraud that defendant **ADRIAN D. MITCHELL** sold a piece of real estate located at 5003 Dovetail, Cincinnati, Ohio, and in order to facilitate the transaction, defendant **ADRIAN D. MITCHELL** paid B.G., a person whose identity is known to the Grand Jury, approximately \$11,700.00 in a transaction that was not disclosed to the lender on the Settlement Statement (HUD-1 Form). Additionally, to facilitate the transaction and obtain a loan from the lender, the purchaser made false statements concerning his income and that he was buying the property to use as his primary residence.

The Execution

5. On or about March 28, 2006, in the Southern District of Ohio and elsewhere, defendant **ADRIAN D. MITCHELL** executed and attempted to execute the scheme and artifice, and to obtain the moneys, funds, credits and assets by means of false pretenses, representations and promises, as set forth above, in that he knowingly caused a real estate closing package including forms such as the HUD-1 Settlement Statement and the Uniform Residential Loan Application (Form 1003) (which forms included supporting documentation) containing false material information and omissions to be sent to Sutton Bank, Cincinnati, Ohio, related to a loan being funded by Sutton Bank, in the amount of \$168,000.00 for the purchase of the property located at 5003 Dovetail Lane, Cincinnati, Ohio.

In violation of Title 18, United States Code, Sections 1344 and 2.

COUNT 8
(18 U.S.C. § 1341, Mail Fraud)

1. The Grand Jury realleges and incorporates by reference Paragraphs 1 through 8 of Count 5 of the Indictment as though set forth in full herein.

2. It was further part of the scheme and artifice to defraud that defendant **ADRIAN D. MITCHELL** purchased a piece of real estate located at 808 Beecher Street, Cincinnati, Ohio, and obtained a loan to do so based on various false representations and omissions to the mortgage lender. Among the false representations for this transaction were that defendant **ADRIAN D. MITCHELL** had a monthly income of \$5,066.00, that he resided at 5003 Dovetail Lane, Cincinnati, Ohio, and that he was making a down payment in excess of \$10,000.00. Among the material information that defendant **ADRIAN D. MITCHELL** failed to disclose to the mortgage lender was that the seller paid defendant **ADRIAN D. MITCHELL** \$9,600.00 in a transaction that was not reflected on the Settlement Statement (HUD-1 Form).

The Execution

3. On or about January 10, 2006, in the Southern District of Ohio and elsewhere, defendant **ADRIAN D. MITCHELL** knowingly and willfully did execute and attempt to execute the aforesaid scheme and artifice to defraud and to obtain moneys, funds, credits and assets by means of false pretenses, representations and promises, as set forth above, in that he knowingly caused a real estate closing package including forms such as the HUD-1 Settlement Statement and the Uniform Residential Loan Application (Form 1003) (which forms included supporting documentation) containing false material information and omissions to be deposited and to be sent and delivered by any private or commercial interstate carrier according to the directions thereon from

the office of Guaranty Land Title Associates, Cincinnati, Ohio to America's Wholesale Lender in Louisville, Kentucky, related to a loan being funded by America's Wholesale Lender in the amount of \$86,400.00 for the purchase of the property located at 808 Beecher Street, Cincinnati, Ohio.

In violation of Title 18, United States Code, Sections 1341 and 2.

COUNT 9
(18 U.S.C. § 1341, Mail Fraud)

1. The Grand Jury realleges and incorporates by reference Paragraphs 1 through 8 of Count 5 of the Indictment as though set forth in full herein.

2. It was further part of the scheme and artifice to defraud that defendant **ADRIAN D. MITCHELL** sold a piece of real estate located at 808 Beecher Street, Cincinnati, Ohio and, in order to assist the buyer to obtain the loan necessary to make the purchase, defendant **ADRIAN D. MITCHELL** provided the buyer at least \$5,300.00 for the down payment. Thereafter, defendant **ADRIAN D. MITCHELL** failed to disclose to the mortgage lender that he provided those funds to the buyer in a transaction that was not reflected on the Settlement Statement (HUD-1 Form).

The Execution

3. On or about April 11, 2006, in the Southern District of Ohio and elsewhere, defendant **ADRIAN D. MITCHELL** knowingly and willfully did execute and attempt to execute the aforesaid scheme and artifice to defraud and to obtain moneys, funds, credits and assets by means of false pretenses, representations and promises, as set forth above, in that he knowingly caused a real estate closing package including forms such as the HUD-1 Settlement Statement and the Uniform Residential Loan Application (Form 1003) (which forms included supporting documentation) containing false material information and omissions to be deposited and to be sent

and delivered by any private or commercial interstate carrier according to the directions thereon from the office of Guaranty Land Title Associates, Cincinnati, Ohio to Homecomings Financial Network, Inc., in Minneapolis, Minnesota, related to a loan being funded by Homecomings Financial Network, Inc., in the amount of \$100,700.00 for the purchase of the property located at 808 Beecher Street, Cincinnati, Ohio.

In violation of Title 18, United States Code, Sections 1341 and 2.

COUNT 10
(18 U.S.C. § 1341, Mail Fraud)

1. The Grand Jury realleges and incorporates by reference Paragraphs 1 through 8 of Count 5 of the Indictment as though set forth in full herein.

2. It was further part of the scheme and artifice to defraud that defendant **ADRIAN D. MITCHELL** purchased a piece of real estate located at 1843 Lawn Avenue, Cincinnati, Ohio, and in order to fund the purchase he obtained a loan from a lender and falsely detailed the nature of the financial transaction that he arranged with the seller of the property. Among the false representations that defendant **ADRIAN D. MITCHELL** made or caused to be made to the lender were that the seller would receive \$16,758.41 at closing, that defendant **ADRIAN D. MITCHELL** would make a \$8,133.62 down payment, and that the seller would execute a "purchase money note" in the amount of \$6,060.00 for the benefit of defendant **ADRIAN D. MITCHELL** as the buyer. In reality, in a financial transaction that was not disclosed to the lender, the seller transferred \$16,758.41 to defendant **ADRIAN D. MITCHELL**, defendant **ADRIAN D. MITCHELL** did not independently fund the down payment, and the "purchase money note" was false and fraudulent.

The Execution

3. On or about February 15, 2006, in the Southern District of Ohio and elsewhere, defendant **ADRIAN D. MITCHELL** knowingly and willfully did execute and attempt to execute the aforesaid scheme and artifice to defraud and to obtain moneys, funds, credits and assets by means of false pretenses, representations and promises, as set forth above, in that he knowingly caused a real estate closing package including forms such as the HUD-1 Settlement Statement and the Uniform Residential Loan Application (Form 1003) (which forms included supporting documentation) containing false material information and omissions to be deposited and to be sent and delivered by any private or commercial interstate carrier according to the directions thereon from the office of Guaranty Land Title Associates, Cincinnati, Ohio to America's Wholesale Lender, in Louisville, Kentucky, related to a loan being funded by America's Wholesale Lender, in the amount of \$48,480.00 for the purchase of the property at 1843 Lawn Avenue, Cincinnati, Ohio.

In violation of Title 18, United States Code, Sections 1341 and 2.

COUNT 11 **(18 U.S.C. § 1341, Mail Fraud)**

1. The Grand Jury realleges and incorporates by reference Paragraphs 1 through 8 of Count 5 of the Indictment as though set forth in full herein.

2. It was further part of the scheme and artifice to defraud that defendant **ADRIAN D. MITCHELL** sold a piece of real estate located at 1843 Lawn Avenue, Cincinnati, Ohio, and in order to fund the purchase he facilitated a loan for the buyer where the lender was provided false and misleading information concerning the true nature of the transaction. Among the false representations that defendant **ADRIAN D. MITCHELL** made or caused to be made were

statements on the Settlement Statement (HUD-1 Form) that the buyer paid \$8,459.92 in settlement charges and that the buyer made a down payment of \$4,609.58, when these payments by the buyer did not occur. Additionally, the lender was provided a false and fraudulent document referred to as a "satisfaction of mortgage."

The Execution

3. On or about March 19, 2007, in the Southern District of Ohio and elsewhere, defendant **ADRIAN D. MITCHELL** knowingly and willfully did execute and attempt to execute the aforesaid scheme and artifice to defraud and to obtain moneys, funds, credits and assets by means of false pretenses, representations and promises, as set forth above, in that he knowingly caused a real estate closing package including forms such as the HUD-1 Settlement Statement and the Uniform Residential Loan Application (Form 1003) (which forms included supporting documentation) containing false material information and omissions to be deposited and to be sent and delivered by any private or commercial interstate carrier according to the directions thereon from the office of TitleQuest Agency, Inc., Cincinnati, Ohio to CitiMortgage, Inc., in O'Fallon, Missouri, related to a loan being funded by CitiMortgage, Inc., in the amount of \$84,000.00 for the purchase of the property located at 1843 Lawn Avenue, Cincinnati, Ohio.

In violation of Title 18, United States Code, Sections 1341 and 2.

COUNT 12 **(18 U.S.C. § 1341, Mail Fraud)**

1. The Grand Jury realleges and incorporates by reference Paragraphs 1 through 8 of Count 5 of the Indictment as though set forth in full herein.

2. It was further part of the scheme and artifice to defraud that defendant **ADRIAN D. MITCHELL** purchased a piece of real estate located at 2704 Royalwoods Court, Cincinnati, Ohio, and obtained a loan to do so based on various false representations to the mortgage lender. Among the false representations for this transaction were that **ADRIAN D. MITCHELL** was purchasing the property as his primary residence and that N.B., a female individual whose identity is known to the Grand Jury, was his landlord to whom he paid rent for his residence at 820 Lincoln Avenue, Cincinnati, Ohio.

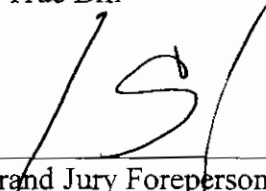
The Execution

3. On or about March 3, 2006, in the Southern District of Ohio and elsewhere, defendant **ADRIAN D. MITCHELL** knowingly and willfully did execute and attempt to execute the aforesaid scheme and artifice to defraud and to obtain moneys, funds, credits and assets by means of false pretenses, representations and promises, as set forth above, in that he knowingly caused a real estate closing package including forms such as the HUD-1 Settlement Statement and the Uniform Residential Loan Application (Form 1003) (which forms included supporting documentation) containing false material information to be deposited and to be sent and delivered by any private or commercial interstate carrier according to the directions thereon from the office of Guaranty Land Title Associates, Cincinnati, Ohio to Argent Mortgage Company, LLC, in Rolling Meadows, Illinois, related to a loan being funded by Argent Mortgage Company, LLC., in the

amount of \$220,780.00 for the purchase of the property located at 2704 Royalwoods Court,
Cincinnati, Ohio.

In violation of Title 18, United States Code, Sections 1341 and 2.

A True Bill



Grand Jury Foreperson

GREGORY G. LOCKHART
UNITED STATES ATTORNEY



ANTHONY SPRINGER
DEPUTY CRIMINAL CHIEF